

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

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**AFFYMETRIX, INC., a Delaware  
Corporation,**

**Plaintiff/Counter-Defendant,**

**vs.**

**ILLUMINA, INC., a Delaware Corporation,**

**Defendant/Counter-Plaintiff.**

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**Civil Action No. 04-901-JJF**

**ILLUMINA'S NOTICE OF DEPOSITION OF PHILIP L. MCGARRIGLE**

In accordance with the provisions of Rules 26 and 30 of the Federal Rules of Civil Procedure, Illumina, Inc. ("Illumina"), hereby provides notice that commencing at 9:00 a.m. on January 19, 2006, at the offices of KIRKLAND & ELLIS LLP, 555 California Street, San Francisco, CA 94104-1501, or at such other time mutually agreed upon by counsel for the parties, it will take the deposition of Philip L. McGarrigle by oral examination.

The deposition will be taken upon oral examination before an official authorized by law to administer oaths and will continue from day to day until completed. Pursuant to Rule 30(b)(2), testimony of the witness will be recorded by both stenographic means and sound-and-visual means.

You are required to produce the witness at the stated time and place, and are invited to attend to cross-examine.

Dated: December 21, 2005

By: /s/ Mary B. Matterer  
Richard K. Herrmann #405  
Mary B. Matterer #2626  
MORRIS, JAMES, HITCHENS &  
WILLIAMS LLP  
PNC Bank Center, 10<sup>th</sup> Floor  
222 Delaware Avenue  
Wilmington, DE 19899-2306  
(302) 888-6800  
mmatterer@morrisjames.com

Robert G. Krupka, P.C.  
KIRKLAND & ELLIS LLP  
777 South Figueroa Street  
Los Angeles, CA 90017  
(213) 680-8400

Mark A. Pals, P.C.  
Marcus E. Sernel  
KIRKLAND & ELLIS LLP  
200 East Randolph Drive  
Chicago, IL 60601  
(312) 861-2000

***Counsel for Illumina, Inc.***

**CERTIFICATE OF SERVICE**

The hereby certify that on the 21<sup>st</sup> day of December, 2005, I caused to be electronically filed the foregoing document, **ILLUMINA'S NOTICE OF DEPOSITION OF PHILIP L. MCGARRIGLE**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Jack B. Blumenfeld, Esq.  
MaryEllen Noreika, Esq.  
Morris Nichols Arsht & Tunnell  
1201 N. Market Street  
Wilmington, DE 19899-1347

Additionally, I hereby certify that on the 21<sup>st</sup> day of December, 2005, the foregoing document was served via facsimile on the following non-registered participants:

Daniel R. Reed, Esq.  
Affymetrix, Inc.  
6550 Vallejo Street, Suite 100  
Emeryville, CA 94608  
(510) 428-8500  
Fax: (510) 428-8583

/s/ Mary B. Matterer  
Richard K. Herrmann #405  
Mary B. Matterer #2626  
MORRIS, JAMES, HITCHENS &  
WILLIAMS LLP  
PNC Bank Center, 10<sup>th</sup> Floor  
222 Delaware Avenue  
Wilmington, DE 19899-2306  
(302) 888-6800  
mmatterer@morrisjames.com

Attorneys for Defendant  
ILLUMINA, INC.